

UNITED STATES DISTRICT COURT  
OFFICE OF THE CLERK  
WESTERN DISTRICT OF PENNSYLVANIA  
P. O. BOX 1805  
PITTSBURGH, PA 15230  
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ROBERT V. BARTH, JR.  
CLERK OF COURT  
412-208-7500

IN REPLYING, GIVE NUMBER  
OF CASE AND NAMES OF PARTIES

September 1, 2006

Date: \_\_\_\_\_

Clerk's Office  
Clerk's Office  
Federal Building and United States Courthouse,  
Suite 400 South  
1301 Clay Street  
Oakland, CA 94612-5212

RE: CINTAS v DERENZO

Dear Clerk:

On August 28, 2006, this Court electronically entered an order transferring the above entitled case to your Court. Enclosed is a copy of the electronic docket sheet showing that electronically entered order together with instructions to retrieve the electronic file from our ECF system.

Please acknowledge receipt of the transfer by e-mail at [Joseph\\_Ventresca.pawd.uscourts.gov](mailto:Joseph_Ventresca.pawd.uscourts.gov) after completion of retrieving our Court's electronic file. Please reference our

Court's case number and caption along with the case number assigned by your Court.

ROBERT V. BARTH  
CLERK OF COURT

/s/Joseph V. Ventresca  
By: \_\_\_\_\_  
Joseph V. Ventresca

Enclosures: 2

CLOSED, MAG, STAYED

**U.S. District Court  
Western District of Pennsylvania (Pittsburgh)  
CIVIL DOCKET FOR CASE #: 2:06-cv-00324-GLL-RCM  
Internal Use Only**

CINTAS CORPORATION v. DERENZO et al  
Assigned to: Gary L. Lancaster  
Referred to: Robert C. Mitchell  
Cause: 29:201 Fair Labor Standards Act

Date Filed: 03/10/2006  
Jury Demand: None  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**Plaintiff**

**CINTAS CORPORATION**  
*a Washington Corporation*

represented by **Philip M. Oliss**  
Squire, Sanders & Dempsey  
127 Public Square  
4900 Key Tower  
Cleveland, OH 44114-1304  
(216) 479-8500  
Email: poliss@ssd.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**CHRISTOPHER DERENZO**

**Defendant**

**ANDREW W. EPERTHENER**

**Defendant**

**JAMES FOLSOM**

**Defendant**

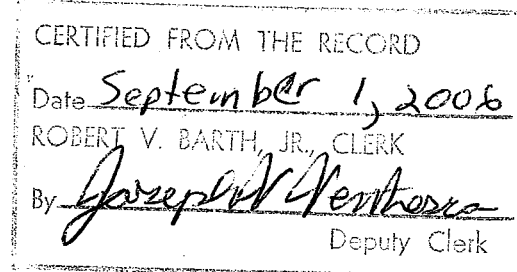
**THOMAS KLUTCH**

**Defendant**




**LINDA LEAZIER**

**Defendant**

**JOSH MILLER**

**Defendant**

**ROSS NICOTERO, III****Defendant****TIMOTHY NYE****Defendant****JASON PHILLIPS****Defendant****CARL POTECHKO****Defendant****MICHAEL S. SMITH****Defendant****NICHOLAS TOKISH****Defendant****LEONARD R. TORRIS, III****Defendant****DAVE VICKLESS***individuals*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
03/10/2006	 <u>1</u>	COMPLAINT against ROSS NICOTERO, III, TIMOTHY NYE, JASON PHILLIPS, CARL POTECHKO, MICHAEL S. SMITH, NICHOLAS TOKISH, LEONARD R. TORRIS, III, DAVE VICKLESS, CHRISTOPHER DERENZO, ANDREW W. EPERTHENER, JAMES FOLSOM, THOMAS KLUTCH, LINDA LEAZIER, JOSH MILLER ( Filing fee \$ 250 receipt number 2648.), filed by CINTAS CORPORATION. (Attachments: # <u>1</u> Civil Cover Sheet # <u>2</u> Receipt 2648 for filing fee)(ces, ) (Entered: 03/15/2006)
03/10/2006		*** Case Assigned to Category Number 7 (ces, ) (Entered: 03/15/2006)
03/10/2006		Summons Issued as to ROSS NICOTERO, III, TIMOTHY NYE, JASON PHILLIPS, CARL POTECHKO, MICHAEL S. SMITH, NICHOLAS TOKISH, LEONARD R. TORRIS, III, DAVE VICKLESS, CHRISTOPHER DERENZO, ANDREW W. EPERTHENER, JAMES FOLSOM, THOMAS KLUTCH, LINDA LEAZIER, JOSH MILLER. (ces, ) (Entered: 03/15/2006)
03/10/2006		PETITION for Order Directing Arbitration to Proceed In the Manner Provided For In Written Agreement For Arbitration, In Accordance With the Terms of the Agreement, Pursuant to 9 USC Section 4 by CINTAS

		CORPORATION (filed at document 1). (ces, ) (Entered: 03/15/2006)
03/10/2006	<u>2</u>	REQUEST for Judicial Notice In Support of Petition for Order Directing Arbitration To Proceed In the Manner Provided For In Written Agreement For Arbitration, In Accordance with the Terms of The Agreement, Pursuant to 9 USC Section 4 by CINTAS CORPORATION. (ces, ) (Entered: 03/15/2006)
03/10/2006	<u>3</u>	EXHIBITS in Support of <u>2</u> Motion for Miscellaneous Relief, by CINTAS CORPORATION. (Attachments: # <u>1</u> 1st continuation of Exhibits# <u>2</u> 2nd continuation of Exhibits# <u>3</u> 3rd continuation of Exhibits)(ces, ) (Entered: 03/15/2006)
03/10/2006	<u>4</u>	DECLARATION re MOTION for Order Directing Arbitration to Proceed In the Manner Provided For IN Written Agreement For Arbitration, In Accordance With the Terms of the Agreement, Pursuant to 9 USC Section 4 by CINTAS CORPORATION Affiant: Mark C. Dosker. (ces, ) (Entered: 03/15/2006)
03/10/2006	<u>5</u>	DECLARATION re MOTION for Order Directing Arbitration to Proceed In the Manner Provided For In Written Agreement For Arbitration, In Accordance With the Terms of the Agreement, Pursuant to 9 USC Section 4 by CINTAS CORPORATION Affiant: Jenice Clendening. (ces, ) Modified on 3/15/2006 to correct typo (ces, ). (Entered: 03/15/2006)
03/10/2006	<u>6</u>	EXHIBITS in Support of <u>5</u> Declaration, by CINTAS CORPORATION. (Attachments: # <u>1</u> 1st continuation of Exhibits# <u>2</u> 2nd continuation of Exhibits)(ces, ) (Entered: 03/15/2006)
03/10/2006	<u>7</u>	Disclosure Statement by CINTAS CORPORATION.. (ces, ) (Entered: 03/15/2006)
03/15/2006	<u>8</u>	ORDER REFERRING CASE to Magistrate Judge Robert C. Mitchell. Signed by Judge Gary L. Lancaster on 3/15/06. (map) (Entered: 03/15/2006)
03/16/2006		***Motions terminated: (with Doc. #1) MOTION for Order Directing Arbitration to Proceed In the Manner Provided For IN Written Agreement For Arbitration, In Accordance With the Terms of the Agreement, Pursuant to 9 USC Section 4 filed by CINTAS CORPORATION,, <u>2</u> MOTION for Judicial Notice In Support of Petition for Order Directing Arbitration To Proceed In the Manner Provided For In Written Agreement For Arbitration, In Accordance with the Terms of The Agreement, Pursuant to 9 USC Section 4 filed by CINTAS CORPORATION,. These are terminated at the direction of the Court as these pleadings were not filed as motions. (sdm, ) (Entered: 03/16/2006)
04/28/2006	<u>9</u>	NOTICE by CINTAS CORPORATION of Lodgment of Copy of Papers Filed with the Judicial Panel on Multidistrict Litigation (Attachments: # <u>1</u> Exhibit 1 - Response Brief# <u>2</u> Exhibit 2 - Response to Averments# <u>3</u> Exhibit 3 - Request for Judicial Notice# <u>4</u> Exhibit 1 of Exhibit 3# <u>5</u> Exhibit 2 of Exhibit 3# <u>6</u> Exhibit 3 of Exhibit 3# <u>7</u> Exhibit 4 of Exhibit 3#

		8 Exhibit 5 of Exhibit 3# 9 Exhibit 6 to Exhibit 3# 10 Exhibit 4 - Appendix of Authorities# 11 Exhibit 5 - Declaration Part A# 12 Exhibit 5 - Declaration Part B# 13 Exhibit 5 - Declaration Part C)(Oliss, Philip) (Entered: 04/28/2006)
05/12/2006	10	SUMMONS/Return of Service Returned Executed by CINTAS CORPORATION. ROSS NICOTERO, III served on 4/4/2006, answer due 4/24/2006. (Oliss, Philip) (Entered: 05/12/2006)
05/12/2006	11	SUMMONS/Return of Service Returned Executed by CINTAS CORPORATION. TIMOTHY NYE served on 4/8/2006, answer due 4/28/2006. (Oliss, Philip) (Entered: 05/12/2006)
05/12/2006	12	WAIVER OF SERVICE Returned Executed by CINTAS CORPORATION. LINDA LEAZIER waiver sent on 3/24/2006, answer due 5/23/2006. (Oliss, Philip) (Entered: 05/12/2006)
05/12/2006	13	STIPULATION and Order RE: (1) Service of Process, and (2) Staying Further Proceedings Pending Decision on Motion before the Judicial Panel on Multidistrict Litigation to Transfer and Consolidate Under 28 U.S.C. Section 1407. by CINTAS CORPORATION. (Attachments: # 1 Proposed Order)(Oliss, Philip) (Entered: 05/12/2006)
05/12/2006	14	Errata re 13 Stipulation, Stipulation and Order RE: (1) Service of Process, and (2) Staying Further Proceedings Pending Decision on Motion before the Judicial Panel on Multidistrict Litigation to Transfer and Consolidate Under 28 U.S.C. Section 1407. by CINTAS CORPORATION Reason for Correction: attached wrong Document. (Attachments: # 1 Proposed Order)(Oliss, Philip) (Entered: 05/12/2006)
05/16/2006		CLERK'S OFFICE QUALITY CONTROL MESSAGE. re 13 Stipulation,. ERROR: Signature on document and filer do not match and wrong document was attached. CORRECTION: Attorney advised of signature requirements. Attorney to resubmit the document using the Errata event. This message is for informational purposes only. (jv) Modified on 5/16/2006 (jv, ). (Entered: 05/16/2006)
05/16/2006		Remark: Action for QC Message regarding 13 not needed, due to 14 correcting the signature problem. Clerk did not see 14's correction until after 13 was QC'ed and put on docket. (jv) (Entered: 05/16/2006)
06/01/2006	15	ORDER granting 14 Errata to 13 Stipulation, staying further proceedings, including service, pending decision on motion before the Judicial Panel on Multidistrict Litigation to Transfer and Consolidate . Signed by Judge Gary L. Lancaster on 6/1/06. (map) (Entered: 06/01/2006)
06/01/2006		***Set/Clear Flags (sjs ) (Entered: 06/02/2006)
08/22/2006	16	Conditional Transfer Order received from the Judicial Panel on Multi-District Litigation. (Attachments: # 1 Schedule A) (jv) (Entered: 08/22/2006)

08/29/2006	● <u>17</u>	Certified Copy of Conditional Transfer Order received from Northern District of California. (Attachments: # <u>1</u> Schedule A) (jv) (Entered: 09/01/2006)
09/01/2006	● <u>18</u>	Remark: Forwarded Certified Copy of Conditional Transfer Order and Docket Sheet, Retrieval Instructions and Transfer out letter to Northern District of CA. (jv) (Entered: 09/01/2006)
09/01/2006		***Civil Case Terminated. (jv) (Entered: 09/01/2006)

**A CERTIFIED TRUE COPY**

AUG 18 2006

ATTEST  
FOR THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

RELEASED FOR PUBLICATION

DOCKET NO. 1781

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

AUG 18 2006

FILED  
CLERK'S OFFICE**FILED**

AUG 22 2006

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE CINTAS CORP. OVERTIME PAY ARBITRATION LITIGATION

BEFORE WM. TERRELL HODGES, CHAIRMAN, D. LOWELL JENSEN, J.  
FREDERICK MOTZ, ROBERT L. MILLER, JR.,\* KATHRYN H. VRATIL,  
DAVID R. HANSEN AND ANTHONY J. SCIRICA, JUDGES OF THE PANEL**TRANSFER ORDER**

This litigation consists of the 71 actions, each pending in a different federal district, that are listed on the attached Schedule A. The Northern District of California hosts the first filed of this docket's constituent actions (*Veliz*), which is a March 2003 action brought, inter alia, under state law and the Fair Labor Standards Act (FLSA) against Cintas Corp (Cintas). *Veliz*, a "collective" action in which over 2,000 plaintiffs have now joined, is brought by Cintas employees or former employees who allege that Cintas failed to pay them required overtime wages. The other 70 civil actions now before the Panel are motions to compel arbitration just recently brought by Cintas in March 2006 against a total of approximately 1,800 persons, each of whom is also a *Veliz* opt-in plaintiff and is named in only one of the 70 actions brought by Cintas. The *Veliz* plaintiffs (including the opt-in plaintiffs who are defendants in the actions brought by Cintas) move the Panel, pursuant to 28 U.S.C. § 1407, for an order centralizing the MDL-1781 actions in the Northern District of California for coordinated or consolidated pretrial proceedings. Cintas, the *Veliz* defendant and plaintiff in the other 70 actions, opposes transfer.

On the basis of the papers filed and hearing session held, the Panel finds that these actions involve common questions of fact, and that centralization under Section 1407 in the Northern District of California will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. Each person named in the 70 actions brought by Cintas is an opt-in plaintiff in *Veliz*, the remaining MDL-1781 action, and each of the 70 actions represents an effort by Cintas to compel a *Veliz* opt-in plaintiff who has asserted FLSA claims in *Veliz* to arbitrate those claims, not in the Northern District of California where *Veliz* is pending, but rather in the judicial district where the motion to compel was filed and where the respective defendants are (or were last) employed by Cintas. Resolution of the actions in this docket will require each of the 70 district courts where Cintas has brought suit to construe identical contractual arbitration clauses to determine i) whether the parties named in each motion to compel are refusing to arbitrate within the meaning of § 4 of the Federal Arbitration Act, and/or ii) whether the parties are complying with that obligation by seeking to arbitrate

\*Judge Miller did not participate in the decision of this matter.

CERTIFIED FROM THE RECORD

Date September 1, 2006

ROBERT V. BARTH, JR., CLERK

By Josep M. Ventresca  
Deputy ClerkI hereby certify that the annexed  
instrument is a true and correct copy of  
the original on file in my office.

ATTEST

RICHARD W. WIEKING  
Clerk, U.S. District Court  
Northern District of CaliforniaBy Kevin Garcia  
Deputy ClerkDate 8/23/06



-7-

MDL-1781 Schedule A (Continued)

Middle District of Pennsylvania

*Cintas Corp. v. Brian Ash, et al.*, C.A. No. 3:06-517

Western District of Pennsylvania

*Cintas Corp. v. Christopher Derenzo, et al.*, C.A. No. 2:06-324

District of Rhode Island

*Cintas Corp. v. Joseph E. Edwards, et al.*, C.A. No. 1:06-112

District of South Carolina

*Cintas Corp. v. Thomas Eugene Alert, et al.*, C.A. No. 3:06-762

Eastern District of Texas

*Cintas Corp. v. Stephen Barlow, et al.*, C.A. No. 1:06-137

Northern District of Texas

*Cintas Corp. v. Bryan Armstrong, et al.*, C.A. No. 3:06-432

Southern District of Texas

*Cintas Corp. v. Judd Allen, et al.*, C.A. No. 4:06-824

Western District of Texas

*Cintas Corp. v. Issac Anaya, et al.*, C.A. No. 5:06-216

District of Utah

*Cintas Corp. v. Wade Bell, et al.*, C.A. No. 2:06-205